

SERVICE DATE – JULY 13, 2012

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 32 (Sub-No. 105X)**

**Boston & Maine Corporation – Abandonment Exemption –  
in Worcester County, Mass.**

**BACKGROUND**

In this proceeding, the Boston & Maine Corporation (B&M) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for B&M to abandon an approximately 0.14-mile portion of railroad, known as the Heywood Branch. The segment of rail line extends from milepost 27.29 to milepost 27.43 in Gardner, Worcester County, Massachusetts (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, B&M will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to B&M, the Line was sold to the New England Power Company (NPC) in April of 1963. Upon conveyance of title to NPC, B&M retained a freight easement over the line via deed. B&M now intends to abandon this easement. B&M states that the width of the right-of-way varies from 30 feet to 82.5 feet.

**ENVIRONMENTAL REVIEW**

B&M submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment and discontinuance or any post-abandonment activities, including salvage and disposition of the right-of-way. B&M served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 32 (Sub-No. 105X).

### ***Diversion of Traffic***

According to B&M, no local traffic has moved over the Line for at least 2 years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment and discontinuance would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. OEA notes that Pan Am Southern, LLC (PAS) and the Springfield Terminal Railway Company (STRC) are currently seeking to abandon and discontinue service over a .31-mile connecting portion of the Heywood Branch. That segment is the subject of a separate environmental review, but the cumulative environmental impacts of that proposed abandonment and the abandonment of the Line assessed in this EA are set forth below.

The U.S. Fish and Wildlife Service, New England Field Office (USFWS) submitted comments stating that no federally listed or proposed, threatened or endangered species or critical habitat under USFWS jurisdiction are known to occur in the project area. Therefore, preparation of a biological assessment or further consultation under Section 7 of the Endangered Species Act is not required.

The Natural Resources Conservation Service (NRCS) stated that it is not aware of any adverse effect that the proposed abandonment would have on agricultural resources or businesses in the area. NRCS further stated that abandonment of the Line would have less negative environmental impact than operation thereof.

The Railroads for National Defense Program commented that the proposed abandonment would not affect defense. Therefore, it has no comments.

The National Geodetic Survey (NGS) identified one geodetic station marker in the area of the proposed abandonment. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring B&M to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Environmental Protection Agency's Region 1 Office (USEPA) has not submitted comments regarding the proposed abandonment and discontinuance. Accordingly, OEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to USEPA for its review and comment.

## **HISTORIC REVIEW**

B&M served the Historic Report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO submitted comments stating that it recommends the Board make a finding of "no historic properties affected" for the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's recommendation.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that there are no federally recognized tribes that may have an ancestral connection to the project area.

## **CUMULATIVE IMPACTS**

As noted above, PAS and STRC filed a notice of exemption with the Board seeking to abandon and discontinue service over a connecting portion of the Heywood Branch; a .31-mile segment between milepost 26.98 to milepost 27.29.<sup>2</sup>

The regulations of the Council on Environmental Quality implementing the National Environmental Policy Act (NEPA) at 42 U.S.C. §§ 4321-43, define a cumulative impact as "the impact on the environment, which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions." (40 C.F.R. § 1508.7). This ensures that the range of actions that are considered in the NEPA document includes not only the project proposed, but also all actions that could contribute to cumulative impacts.

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<sup>2</sup> Materials filed in that proceeding can be viewed on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1098X and AB 355 (Sub-No. 41X).

OEA received comments similar to those described above for the proposed abandonment of the 0.31-mile segment of the Heywood Branch. These comments stated that the proposed abandonment of the 0.31-mile segment would result in no adverse environmental effects. Therefore, OEA concludes that with the recommended mitigation, the proposed abandonment of the 0.31-mile portion of the Heywood Branch line, when considered with the 0.14-mile segment assessed here, would have no adverse cumulative impacts on the environment.

## **CONDITIONS**

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. Boston & Maine Corporation shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 32 (Sub-No. 105X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: July 13, 2012.

**Comment due date: July 27, 2012.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment